UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/911,320	07/23/2001	Jeremy Mitts	MEDIA P-4 CIP	3592

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EXAMINER
YENKE, BRIAN P

ART UNIT	PAPER NUMBER
2614	

DATE MAILED: 05/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/911,320	MITTS ET AL.
	Examiner	Art Unit	
	BRIAN P. YENKE	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Objections

1.   Claim 4 is objected to because of the following informalities: claim 4 recites "said

move routine", however there is no precedence in the term "move" from claim 1, thus it

lacks antecedent basis. It is noted that claim 3 does recite a move operation, thus claim

4 can be corrected by showing antecedence from claim 3. Appropriate correction is

required. The examiner has rejected claim 3 being dependent upon claim 4.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Corey, US 5,703,655 in view of Hullinger et al., US 6,295,092.

In considering claims 1, 5-6 and 9-10,

a) *the claimed a remote capture client* is met by tuner receiver 24, closed caption

decoder 52 (Fig 2) and closed caption formatter 204 (Fig 2) which transforms all closed

caption data into a common format and outputs the caption data to at least a video

retrieval index generator 212 and optionally to close caption storage 72 (col 5, line 31-57).

c) the claimed transmission means...is met by video retrieval system 20 where the closed-caption data is evaluated using engine 232, which evaluates a users/operators request using a context-free query evaluator and a semantic query evaluator 240 (Fig 7). The text thus stored in the storage 72, may contain any predetermined letters or characters defined by the search string implemented by a user.

However, Corey does not explicitly recite the use of a central server (limitation b), nor pushing the data. Corey does disclose the storage of text files both in closed caption storage 72 and generator 212.

Corey discloses a video retrieval system 20 which can interact with a plurality of users, plurality of video signal sources/tuners, where the control module 60/formatter 204 transforms all closed caption input data into a common input and output the data to at least an index generator 212 and optionally to a closed caption storage 702 (Fig 1, 2).

Hullinger et al., US 6,295,092 discloses a system for analyzing television programs, where a capture machines 14, 16 and 18 which capture the video, audio as well as the closed captioned data and correspondingly the machines break the news stories into segments and classify the contents accordingly. The machines 14, 16 and 18 then transfer the analyzed data to the user interface 24 via server 20. Regarding the pushing of data as disclosed by applicant all "servers" can push data, thus being inherent in Hullinger.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify, Corey , which discloses the acquisition/retrieval/transmission of video/audio/cc data, where a plurality of users can access closed caption storage 72 via control module 60, with Hullinger, to utilize control module 60 as a server which can also provide data/retrieval to a plurality of users.

Regarding claim 10 and the display the result using a web browser, although Corey does not disclose a web browser, Hullinger does disclose the use of receiving information signal via the internet and as stated by applicant's disclosure the use of a web browser is conventional in the art.

In considering claims 2 and 7,

As stated above, Corey does not disclose the use of servers, however the incorporated reference Hullinger does disclose the transferring of information using the media object server protocol (MOS).

In considering claims 3-8,

Neither Corey nor Hullinger disclose deleting the text files from the capture client upon successful transfer of the files.

However, the examiner maintains that deleting files from a system which have served their purpose, i.e. provided to the appropriate requester, would obviously only occupy memory/take up space within the system.

The examiner takes "OFFICIAL NOTICE" in regards to a system which purges/deletes information from a system.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to delete/purge information from a memory, since the storage of information which is no longer desired (has been successfully transferred), would occupy memory which could be used for future requests.

In considering claim 4,

Neither Corey nor Hullinger disclose the use of an API wrapper. However, the use of an API wrapper as disclosed in applicant's disclosure is conventional in the art (i.e. Microsoft Windows 2000). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Corey and Hullinger, which disclose the use of a computer/pc to search/retrieve information from a broadcast(s), by using the operating system of the computer, thus utilizing the software of the computer in order to retrieve/transmit data to/from the computer.

In considering claims 11-12,

Neither Corey nor Hullinger disclose the server side scripting (claim 11) where the scripting environment is selected from the group as claimed (claim 12).

However, as stated above, Hulling does disclose the use of a server to provide information which is requested/desired from a user, where the server is able to obtain information from a plurality of sources.

Thus the question of obviousness is whether Hullinger would use a server side scripting environment which is selected from the group ASP, ISAPI...(claim 12). The

examiner relies on the applicant's own disclosure which states that server side scripting

is popular and effective where the formats as claimed are readily available.

Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention to modify Corey and Hullinger which disclose which disclose the

use of a computer/pc to search/retrieve information from a broadcast(s) via a server, by

using conventional and effective server scripts which would provide the user(s) and

readily available and effective search/retrieval system.

Double Patenting

2.   The nonstatutory double patenting rejection is based on a judicially created
doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the
unjustified or improper timewise extension of the "right to exclude" granted by a patent
and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11
F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225
USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA
1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington*,
418 F.2d 528, 163 USPQ 644 (CCPA 1969).
     A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be
used to overcome an actual or provisional rejection based on a nonstatutory double
patenting ground provided the conflicting application or patent is shown to be commonly
owned with this application. See 37 CFR 1.130(b).
     Effective January 1, 1994, a registered attorney or agent of record may sign a
terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with
37 CFR 3.73(b).

Claim 10 is provisionally rejected under the judicially created doctrine of

obviousness-type double patenting as being unpatentable over claims 1-2 of copending

Application No. 09/911319. Although the conflicting claims are not identical, they are

not patentably distinct from each other because of the reasons as stated below.

This is a provisional obviousness-type double patenting rejection because the

conflicting claims have not in fact been patented.

In considering claim 10, the claimed subject matter is rejected over that of co-

pending application 09/911319 (claims 1-2).

a) the claimed a remote capture client mean...is met by copending claim 1, limitations

a-c, which include a tuner, decoder and text handler

b) the claimed a central server means...is met copending claim 1, limitation d, server for

storing text files. Although the copending claim does not state a "central" server, the

server stores the text files as claimed in the parent application and therefore performs

the claimed limitation, thus not being patentably distinct.

c) the claimed an inquiry client...is met by copending claim 1, limitation e, which

includes a previously submitted search profile that originated from an inquiry client not

currently accessing said server.

d) the claimed means for comparing said search profile...is met by copending claim 1,

limitation f, where the processing means compares the text files to create a search

result.

e) the claimed means for displaying said search result...is met by copending claim 1,

limitation f which automatically contacts the inquiry client regarding the search result

and copending claim 2, which electronically transmits the search result to the inquiry

client. Although, the parent application claims a displaying the result using a web

browser, as disclosed in the applicant's disclosure, the providing of information over the web, between a user and a server are numerous and thus being well-known, and not patentably distinct.

Conclusion

3.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure—please refer to newly cited references on attached form PTO-892.

4.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Yenke whose telephone number is (703) 305-9871. The examiner work schedule is Monday-Thursday, 0730-1830 hrs.

5.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Yenke whose telephone number is (703) 305-9871. The examiner work schedule is Monday-Thursday, 0730-1830 hrs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John W. Miller, can be reached at (703)305-4795.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal

Drive, Arlington, VA, Sixth Floor (Receptionist). Any inquiry of a general nature or

relating to the status of this application or proceeding should be directed to the

Technology Center 2600 Customer Service Office whose telephone number is

(703)305-HELP.

General information about patents, trademarks, products and services

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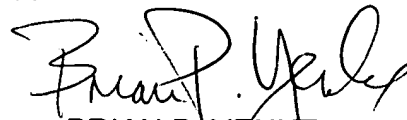800-PTO-9199 or 703-308-HELP

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BRIAN P. YENKE
Primary Examiner
Art Unit 2614

B.P.Y
17 May 2004